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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEAH HAZARD,

Defendant.

Adv. Pro. No. 10-04903 (SMB)

TRUSTEE'S REQUEST TO ENTER DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the Estate of Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendant Leah Hazard pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule for the Southern District of New York 7055-1, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
May 16, 2017

Respectfully submitted,

Of Counsel:

BAKER & HOSTETLER LLP

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Houston, Texas 77002-0518
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/s/ Nicholas J. Cremona

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And Bernard L. Madoff*

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEAH HAZARD,

Defendant.

Adv. Pro. No. 10-04903 (SMB)

AFFIDAVIT SUPPORTING ENTRY OF DEFAULT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Farrell Hochmuth, being duly sworn, hereby attests as follows:

1. I was admitted pro hac vice into this Court and am a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and the estate of Bernard L. Madoff, individually.

2. On December 2, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the “Complaint”) against Leah Hazard (“Defaulting Defendant”). (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent transfers in connection with certain transfers of property by BLMIS to or for the benefit of Defaulting Defendant. (*Id.*).

3. On February 18, 2011, the Clerk of this Court issued a summons upon Defaulting Defendant. (Dkt. No. 3).

4. On April 8, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Defaulting Defendant. (*See* Dkt. Nos. 5-6). An Affidavit of Service evidencing proper and timely service was filed with the Court. (*Id.*). A true and correct copy of the Affidavit of Service is attached hereto as Exhibit A.

5. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary

proceeding, the time by which Defaulting Defendant may answer or otherwise move with respect to the Complaint expired May 16, 2011. (*See* Dkt. No. 5).

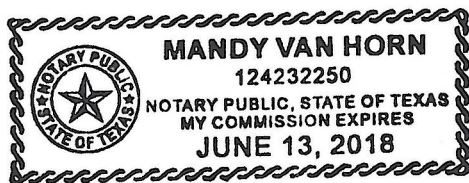
6. Despite being duly served with the Summons and Complaint, Defaulting Defendant did not file an answer, move, or otherwise respond to the Complaint on or before May 16, 2011.

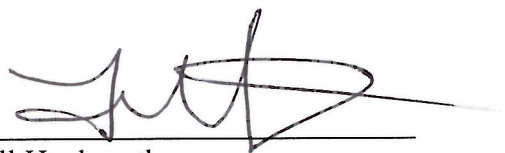
7. On September 15, 2016, the Trustee filed a Notice of Voluntary Dismissal dismissing Counts Two through Seven only of the Complaint. (*See* Dkt. No. 8). The Notice of Voluntary Dismissal had no effect on the Trustee's claims against Defaulting Defendant in Count One of the Complaint.

8. Upon information and belief, the Defaulting Defendant is neither an infant nor incompetent.

9. On May 15, 2017, I performed a search on the Department of Defense Manpower Data Center (DMDC). Upon searching the information data banks of DMDC, the DMDC does not possess any information indicating that Defaulting Defendant is currently on active duty as to all branches of the Military.

10. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.



/s/ 
Farrell Hochmuth

Sworn to before me this 16 day of May 2017.

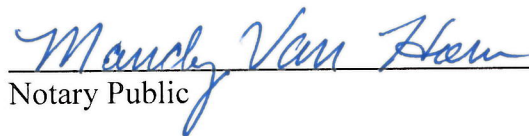

Notary Public

EXHIBIT A

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC

PLAINTIFF/PETITIONER

VS.

LEAH HAZARD

DEFENDANT/RESPONDENT

CAUSE #: ADV. PRO.NO 10-4903 (BRL)

CERTIFICATE OF SERVICE

This service has been completed in compliance with the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (Done at The Hague November 15, 1965) (Entered Into Force for the U.S. on February 10, 1969). The Certificate of Service attached is also in compliance.



ABC Legal Services, Inc.
633 Yesler Way Seattle, WA 98104
206 521-9000
TRACKING #: 6350759



**ORIGINAL
PROOF OF SERVICE**

BAKER & HOSTETLER LLP
45 ROCKEFELLER PLAZA
NEW YORK, NY 10111
212 589 4656

Page 1 of 1

EXECUTION OF SERVICE

On 08 April 2011, in accordance with Article 5 of the Hague Convention of 15 November 1965, a copy of the attached process was served on **Leah Hazard**.

ADDRESS OF WHO RECEIVED PAPERS

51 Victoria Park Drive, Glasgow, G14 9NW, Scotland UK.

by recorded postal service

Signature..... Edmund Wilson

Civil Justice and International Division
Scottish Executive Justice Department
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

**REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS**

Convention on the service abroad of judicial and extrajudicial documents in civil or
commercial matters, signed at The Hague, November 15, 1965.

Identity and address of the applicant

**Rick Hamilton
633 Yesler Way
Seattle, WA 98104
United States of America**

Authorized applicant pursuant to public law 97-351 of Feb. 26, 1983
which amended rule 4(c) 2(a) Federal Rules of Civil Procedure

Address of receiving authority

THE SCOTTISH EXECUTIVE JUSTICE DEPT.
CIVIL JUSTICE AND INTERNATIONAL DIVISION
2ND FLOOR WEST, ST. ANDREW'S HOUSE
REGENT ROAD
EDINBURGH EH1 3DG

The undersigned applicant has the honour to transmit-in-duplicate the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.;

(identity and address)

**LEAH HARZARD
51 VICTORIA PARK DRIVE
NORTH GLASGOW G14 9NW**

DOB:

Phone:

- ☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5):*

- ☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5).*

The authority is requested to return or to have returned to the applicant a copy of the documents – and of the annexes* – with a certificate as provided on the reverse side.

Hearing Date:

List of documents:

AMENDED SUMMONS AND NOTICE OF PRETRIAL
CONFERENCE IN AN ADVERSARY PROCEEDING;
COMPLAINT WITH EXHIBIT A; NOTICE OF APPLICABILITY
OF THE ORDER APPROVING LITIGATION CASE
MANAGEMENT PROCEDURES FOR AVOIDANCE ACTIONS;
LETTER; ORDER (1) ESTABLISHING LITIGATION CASE
MANAGEMENT PROCEDURES FOR AVOIDANCE ACTIONS
AND (2) AMENDING THE FEBRUARY 26, 2010 PROTECTIVE
ORDER WITH EXHIBIT A, 1, 2, AND 3; THIRD AMENDED
NOTICE OF OMNIBUS AVOIDANCE ACTION HEARING
DATES

Done at Seattle, Washington USA, on Mar 18 2011

Signature and/or stamp

Rick Hamilton

PFI

PROCESS
FORWARDING
INTERNATIONAL



TRACKING #: 6350759



USM-94 (Est. 11/22/77)

(Formerly OBD-116, which was formally LAA-116, both of which may still be used)

* Delete if inappropriate

SUMMARY OF THE DOCUMENT TO BE SERVED

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

(article 5, fourth paragraph)

Name and address of the requesting authority: **Rick Hamilton**
633 Yesler Way
Seattle, WA 98104
United States of America

Particulars of the parties:

IRVING H. PICARD, TRUSTEE FOR THE vs. **LEAH HAZARD**
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC

JUDICIAL DOCUMENT*

Nature of the document:

To give notice to the Defendant of the institution against them of a claim for civil damages,
and summon them to answer to the claim.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Plaintiff is seeking to avoid and recover transfers and other relief, amount to be determined
in court.

Date and place for entering appearance:*

Defendant has 180 days to make a written appearance, address is noted on the accompanying Summons

Court which has given judgment:*

n/a

Date of judgment:*

n/a

Time limits stated in the document:*

Hearing Date:

EXTRAJUDICIAL DOCUMENT*

Name and purpose of the document:

n/a

Time limits stated in the document:*

n/a



TRACKING #: 6350759



USM-94 (Est. 11/22/77)

(Formerly OBD-116, which was formally LAA-116, both of which may still be used)

* Delete if inappropriate